

IGW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

BELLGRAU et al.

Serial No.: 10/825,282

Filed: April 14, 2004

Atty. File No.: 3921-1-1-1-1

For: VIRAL VECTORS ENCODING
APOPTOSIS-INDUCING
PROTEINS AND METHODS FOR
MAKING AND USING THE SAME

) Group Art Unit: 1633

) Examiner: Kaushal, S.

INFORMATION
DISCLOSURE STATEMENT

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS
FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE
COMMISSIONER FOR PATENTS/P.O. BOX 1450, ALEXANDRIA,
VA 22313-1450 ON 12/14/04
SHERIDAN ROSE P.C.

BY: *Stephen M. McKinish*

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The PTO did not receive the following
listed items (s) *ExRs and NPLs*

Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

- ☐ Copies of the cited non-patent and/or foreign references are enclosed herewith.
- ☐ Copies of the cited U.S. patents and/or patent applications are enclosed herewith.
- ☐ Copies of the cited U.S. patents/patent application publications are not enclosed in accordance with the waiver dated July 11, 2003, whereby patent applications filed after June 30, 2003 and international applications that have entered the national stage under 35 U.S.C. § 371 after June 30, 2003 need not submit copies of U.S. patents and U.S. patent application publications.
- ☒ Copies of the cited references are not enclosed, in accordance with 37 CFR 1.98(d), because the references were cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. 09/456,357, filed December 8, 1999, which is relied upon for an earlier filing date under 35 U.S.C. § 120.
- ☐ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

☐ Examiner's attention is drawn to the following co-pending applications, copies of which have been or are being submitted:

Serial No. _____ filed _____

Serial No. _____ filed _____

☐ Other: _____

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEES

<input checked="" type="checkbox"/>	<p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith is satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or <input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or <input checked="" type="checkbox"/> Before the mailing date of a first Office Action on the merits, or <input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114. <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input type="checkbox"/>	<p>37 CFR 1.97(e): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ul style="list-style-type: none"> (1) a final action under 37 CFR 1.113 or (2) a notice of allowance under 37 CFR 1.311, or (3) an action that otherwise closes prosecution in the application. <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A Certification (below) as specified by 37 CFR 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> <input type="checkbox"/> Please charge Deposit Account 19-1970 in the amount of \$180.00 for the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account 19-1970.

<input type="checkbox"/>	<p>37 CFR 1.97(d): This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <p style="padding-left: 40px;"><input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 CFR 1.97(e) AND</p> <p style="padding-left: 40px;"><input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Please charge Deposit Account 19-1970 in the amount of \$180.00 under 37 CFR 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.</p>
--------------------------	---


<p>Certification (37 CFR 1.97(e)) (Applicable only if checked)</p>
<p><input type="checkbox"/> The undersigned certifies that:</p> <p style="padding-left: 40px;"><input type="checkbox"/> Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 CFR 1.97(e)(1).</p> <p style="padding-left: 80px;"><input type="checkbox"/> A copy of the communication from the foreign patent office is enclosed.</p> <p style="text-align: center;">OR</p> <p style="padding-left: 40px;"><input type="checkbox"/> No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this statement. 37 CFR 1.97(e)(2).</p>

Respectfully submitted,

SHERIDAN ROSS P.C.

By: Angela Sebor
 Angela Dallas Sebor
 Registration No. 42,460
 1560 Broadway, Suite 1200
 Denver, CO 80202-5141
 (303) 863-9700

Date: December 14, 2004

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE 	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 3921-1-1-1-1	SERIAL NO. 10/825,282
	INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		
	FILING DATE April 14, 2004	GROUP ART	

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	1	5,219,740	6/15/93	Miller et al.	435	49.6	
	2	5,283,058	6/15/93	Miller et al.	435	49.6	
	3	5,563,039	10/8/96	Goeddel et al.	435	7.1	
	4	5,712,115	1/27/98	Hawkins et al.	435	69.1	
	5	5,747,245	5/5/98	Reed et al.	435	6	
	6	5,747,645	5/5/98	Sprecher	530	350	
	7	5,750,653	5/12/98	Chu et al.	530	350	
	8	5,756,086	5/26/98	McClelland et al.	424	93.2	
	9	5,756,466	5/26/98	Bemis et al.	514	18	
	10	5,760,180	6/2/98	Nicholson et al.	530	350	
	11	5,763,223	6/9/98	Wiley et al.	435	69.5	
	12	5,770,690	6/23/98	Bitler et al.	530	324	
	13	5,786,173	7/28/98	Alnemri et al.	435	69.1	
	14	5,869,315	2/9/99	Talanian et al.	435	226	
	15	5,897,992	4/27/99	Fearnhead et al.	435	29	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO
	16	675 200 A1	10/4/95	EP				
	17	WO 95/18819	7/13/95	PCT				
	18	WO 96/25501	8/22/96	PCT				

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

19	Abbas, 1996, <i>Cell</i> , 84:655-657
20	Allison et al., 1997, <i>PNAS</i> , 94:3943-3947

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 3921-1-1-1-1	SERIAL NO. 10/825,282
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	APPLICANT BELLGRAU et al.	
	FILING DATE April 14, 2004	GROUP ART

21	Arai et al., 1997, <i>Proc. Natl. Acad. Sci. USA</i> , 94:13862-13867
22	Bellgrau and Selawry, 1990, <i>Transplantation</i> , 50:654-657
23	Bellgrau et al., 1995, <i>Nature</i> , 377:630-632
24	Byrne et al., 1997, <i>Transplantation</i> , 63:149-155 (abstract)
25	Chervonsky et al., 1997, <i>Cell</i> , 89:17-24
26	Dorling et al., 1994, <i>Current Opin. Immunol.</i> , 6:765-769
27	Fabre J.W., 1995, <i>Nat. Med.</i> , 1:403-404
28	Hammer et al., 1986, <i>J. Animal Sci.</i> , 63:269-278 (abstract)
29	Hedlund et al., 1999, <i>Cell Death Differentiation</i> , 6:175-182
30	Houdebine, 1994, <i>J. Biotechnol.</i> , 34:269-287 (abstract)
31	Iannaccone et al., 1994, <i>Dev. Biol.</i> , 163:288-292 (abstract)
32	Itoh et al., 1993, <i>J. Immunol.</i> , 151:621-627
33	Jaenisch, 1988, <i>Science</i> , 240:1463-1474
34	Johnstone & Thorpe, 1987, "Immunochemistry in Practice," by Blackwell Scientific Publications, Oxford, pp. 30-47
35	Larregina et al., 1998, <i>Gene Therapy</i> , 5:563-568
36	Lau et al., 1996, <i>Science</i> , 273:109-112
37	Leff, 1995, <i>BioWorld Today</i> , 6(201):1-2
38	Lee et al., 1994, <i>FASEB J.</i> , 8(5):A770
39	Lo et al., 1991, <i>Eur. J. Immunol.</i> , 21:1001-1006 (abstract)
40	London et al., 1990, <i>Transplantation</i> , 49:1109-1113
41	Lynch et al., 1994, <i>Immunity</i> , 1:131-136
42	Mariani et al., 1995, <i>J. Immunol. Meth.</i> , 193:63-70
43	Muruve et al., 1997, <i>Human Gene Therapy</i> , 8:955-963
44	Nagata, 1996, <i>Nature Medicine</i> , 2:1306-1307
45	Nagata et al., 1995, <i>Science</i> , 267:1449-1456
46	Naji et al., 1976, <i>J. Surg. Res.</i> , 20:161-267
47	Naji et al., 1981, <i>Science</i> , 213:1390-1392
48	Ogasawara et al., 1993, <i>Nature</i> , 364:806-809
49	Owen-Schaub et al., 1992, <i>Cellular Immunology</i> , 140:197-205
50	Petrovsky et al., 2002, <i>Ann. NY. Acad. Sci.</i> , 958:204-208
51	Selawry et al., 1985, <i>Diabetes</i> , 34:1019-1024
52	Selawry et al., 1987, <i>Diabetes</i> , 36:1067
53	Selawry et al., 1991, <i>Transplantation</i> , 52:846-850

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 3921-1-1-1-1	SERIAL NO. 10/825,282
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	APPLICANT BELLGRAU et al.	
	FILING DATE April 14, 2004	GROUP ART

54	Selawry et al., 1993, <i>Cell Transplantation</i> , 2:123-129
55	Shinoura et al., 1998, <i>Human Gene Ther.</i> , 9:2683-2689
56	Suda et al., 1993, <i>Cell</i> , 75:1169-1178
57	Suda et al., 1994, <i>J. Exp. Med.</i> , 179:873-879
58	Takahashi et al., 1994, <i>Cell</i> , 76:969-976
59	Takahashi et al., 1994, <i>International Immunology</i> , 6(10):1567-1574
60	Tanaka et al., 1997, <i>J. Immunol.</i> , 158:2303-2309
61	Vaux, 1995, <i>Nature</i> , 377:576-577
62	Walker et al., 1983, <i>Nature</i> , 306:557-561
63	Watson et al., 1987, <i>Molecular Biology of the Gene</i> , p. 313
64	Wickelgren, 1996, <i>Science</i> , 273, col. 1, 3d paragraph
65	Zhang et al., 1997, <i>J. Clin Invest</i> , 100:1951-1957
66	Zhang et al., 1998, <i>J. Virol.</i> , 72(3):2483-2490

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	